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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/532,037

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Martin Paul Moshal

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MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP
300 S. WACKER DRIVE
32ND FLOOR
CHICAGO, IL 60606

EXAMINER

PIERCE, DAMON JOSEPH

ART UNIT

PAPER NUMBER

3714

MAIL DATE

DELIVERY MODE

01/09/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/532,037	Applicant(s) MOSHAL, MARTIN PAUL	
	Examiner DAMON PIERCE	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 9-13 is/are rejected.
- 7) ☒ Claim(s) 6-8, 14 and 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/3/06, 10/26/06, and 7/10/08</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4, 6, 9-12, and 14 are rejected under 35 U.S.C. 102(e) e because of claimed foreign priority date as being anticipated by US Pub. 2002/0142839 to Wolinsky.

Regarding independent claims 1 and 9, the instant application as best understood is an invention that describes a system using gaming machines to display players' game status information from a game server.

1, 9. Wolinsky discloses a signalling system, comprising:
a gaming server operable under program control to regulate progress of a multiplayer game playable by a plurality of participating players, in accordance with game play decisions made, in turn, by each of the participating players (Parg. 13,

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discloses playing computer games over a server via the Internet which is a game server);

a user terminal associated with each player, each user terminal being operable by the player to access the gaming server along a communication channel and to make game play decisions (Fig. 4, and parg. 24, discloses a plurality of terminals for spontaneous game playing); and

a display facility associated with each user terminal, the display facility being responsive to communication from the gaming server to display to the player an indicium representative of a status of that player's participation in the game, the status being a pending state where the player is next in turn to make a game play decision, and a completed state where the player is not next in turn to make a game play decision (pargs. 17-18, discloses LCDs , where each of the game terminals have a display screen, and LEDS that indicates when it is a particular player's turn in the game or his/her opponent's turn, which is an indication that a player has completed his turn).

2, 10. Wolinsky discloses a signalling system as claimed in claim 1 in which for the display facility is responsive to communication from the gaming server to display a plurality of indicia, each indicium being representative of a status of the participation in the game of a corresponding one of the plurality of the participating players (pargs. 18 and 21, discloses LCD displays and LEDS, where the game pieces are graphic icons on the screen).

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3, 11. Wolinsky discloses a signalling system as claimed in claim 2, in which the display facility is a display monitor associated with the user terminal, and any indicium is a graphic icon displayable on the display monitor (parg. 21, discloses LCD displays and game pieces which are graphic icons on the screen, and the LEDs are a plurality of indicia on the display monitor of a terminal).

4, 12. Wolinsky discloses a signalling system as claimed in claim 3 in which the graphic icon represents the status of the player's participation in the game by a colour of the graphic icon (parg. 17, discloses multi-colored indicators at each terminal).

6, 14. (currently amended) Wolinsky discloses a signalling system as claimed in claim 5 in which each indicium has a corresponding identification means for identifying a participating player whose participation status in the game is indicated by that indicium (1st see parg. 38, which discloses telephone numbers as identification means, 2nd, see parg. 21, which discloses game pieces which are recognized as game status indicators in the art).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 5, 7, 13 and 15 are rejected under 35 U.S.C. 103(a) as being

unpatentable over US Pub. 2002/0142839 to Wolinsky.

5, 13. Wolinsky discloses a signalling system as claimed in claim 4 except in which the pending state is represented by a red colour of the graphic icon, and the completed state is represented by a green colour of the graphic icon.

However, Wolinsky does disclose in parg. 17, multicolored indicators, the colors red and green are inclusive within the meaning of multicolor. Thus, using specific colors such as red, or green does not provide a particular advantage to using any other colors such as blue or green, and using one color over another is a person's personal preference. Where using multicolored indicators of Wolinsky enables players to easily differentiate between each game player's move.

Therefore, it would have been obvious to a person of ordinary skill in the art to use any desired colors as indicators to players to notify them when it their turn during game play.

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7, 15. (original) Wolinsky discloses a signalling system as claimed in claim 6 except in which the identification means is a corresponding nameplate.

Wolinsky discloses a screen showing number indicia (see parg. 38), where it is known in the art that letters or alphabetical characters are used as indicia in multiplayer games to identify different players and often times give players the opportunity to choose a name or nickname that describes their playing style or makes them stand out from other players, which is often used in online gaming systems such as Yahoo and MSN online gaming networks. Therefore, it would have been obvious to a person of ordinary skill in the art to use names to identify players in order to allow game players to request and recognize each other via distinct names.

Note: it is recognized in the art that a game screen or display can be interpreted as a nameplate since screens and displays commonly provide text and indicia that corresponds to the names of game characters and players.

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Pub. 2002/0142839 to Wolinsky in view of US Pat. 4,926,327 to Sidley.

8. (currently amended) Wolinsky discloses a signalling system as claimed in claim 1 except in which the multiplayer game is a game of online poker. Sidley explicitly discloses poker as a multiplayer game (see abstract). Wolinsky explicitly discloses playing games over the Internet (see parg. 13), and provides

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clear motivation that games could be expanded to incorporate games played by more than two players (see parg. 19).

Thus, it would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate poker to the gaming system of Wolinsky in order to give players the easy and convenient access to their favorite card games while traveling from place to place.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAMON PIERCE whose telephone number is (571)270-1997. The examiner can normally be reached on 8AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 571-272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Scott E. Jones/
Primary Examiner, Art Unit 3714